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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 CLIFTON WILLIAMS,) Case No.: 1:22-cv-0791 JLT HBK (HC)
12)
13) Petitioner,) ORDER ADOPTING THE FINDINGS AND
14) RECOMMENDATIONS, DISMISSING THE
15) PETITION FOR WRIT OF HABEAS CORPUS,
16) DIRECTING CLERK OF COURT TO CLOSE
17) CASE, AND DECLINING TO ISSUE
18) CERTIFICATE OF APPEALABILITY
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20) (Docs. 1, 6)
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18 Clifton Williams is a state prisoner proceeding *pro se* with a petition for writ of habeas
19 corpus pursuant to 28 U.S.C. § 2254. Petitioner raises two grounds, addressing: (1) the sentence
20 imposed for Petitioner’s state court 2019 conviction and (2) pending state criminal charges. (*See*
21 *generally* Doc. 1.)

22 The assigned magistrate judge conducted a preliminary review under Rule 4 of the Rules
23 Governing Section 2254 Cases. (Doc. 6.) The magistrate judge determined that ground one is
24 unexhausted and ground two was barred by the *Younger* abstention doctrine. (*Id.* at 3-5.)
25 Therefore, the magistrate judge recommended the petition be dismissed without prejudice (*Id.* at
26 6) and that the Court not issue a certificate of appealability. (*Id.*)

27 In his objections to the Findings and Recommendations, Petitioner argues that he now
28 believes he suffered from ineffective assistance of counsel, and that “it should not matter” that his

1 second ground for relief seeks to redress criminal proceedings that are still pending. (*Id.*) (Doc.
2 7.)

3 According to 28 U.S.C. § 636 (b)(1)(C), the Court conducted a *de novo* review of the case.
4 Having carefully reviewed the entire file, including Petitioner’s objections, the Court concludes
5 the Findings and Recommendations are supported by the record and proper analysis. Petitioner
6 does not dispute that he did not exhaust his administrative remedies. He does not dispute the
7 findings of the magistrate judge that Petitioner’s criminal charges remain pending, the
8 proceedings implicate important state interests, “the state proceedings afford petitioner an
9 adequate forum to advance his claims,” and “Petitioner essentially seeks to enjoin the criminal
10 proceedings by having this Court direct the state court to dismiss the pending charges.” (*See* Doc.
11 6 at 5.) Thus, the Court agrees the *Younger* abstention doctrine applies. *See Younger v. Harris*,
12 401 U.S. 37, 44 (1971); *Page v. King*, 932 F.3d 898, 901–902 (9th Cir. 2019).

13 A petitioner seeking a writ of habeas corpus has no absolute entitlement to appeal a
14 district court’s denial of his petition, and an appeal is only allowed in certain circumstances.
15 *Miller-El v. Cockrell*, 537 U.S. 322, 335–36 (2003); 28 U.S.C. § 2253. If a court denies a habeas
16 petition on the merits, the court may only issue a certificate of appealability “if jurists of reason
17 could disagree with the district court’s resolution of [the petitioner’s] constitutional claims or that
18 jurists could conclude the issues presented are adequate to deserve encouragement to proceed
19 further.” *Miller-El*, 537 U.S. at 327; *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While the
20 petitioner is not required to prove the merits of his case, he must demonstrate “something more
21 than the absence of frivolity or the existence of mere good faith on his . . . part.” *Miller-El*, 537
22 U.S. at 338.

23 The Court finds that reasonable jurists would not find the determination that the Petition
24 should be dismissed debatable or wrong, or that the issues presented are deserving of
25 encouragement to proceed further. Petitioner has not made the required substantial showing of the
26 denial of a constitutional right. Therefore, the Court declines to issue a certificate of appealability.
27 Accordingly, the Court **ORDERS**:

- 28 1. The Findings and Recommendations issued on October 26, 2022 (Doc. 6), are

ADOPTED in full.

2. The petition for writ of habeas corpus (Doc. 1) is **DISMISSED** without prejudice.

3. The Court declines to issue a certificate of appealability.

4. The Clerk of the Court is directed to close the case.

IT IS SO ORDERED.

Dated: **November 23, 2022**


UNITED STATES DISTRICT JUDGE